

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of:	)	
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Barton P. BARRY, <i>et al.</i>	)	Group Art Unit: 3628
	)	
Application Number: 09/391,460	)	Examiner: Frantzy Poinvil
	)	
Confirmation Number: 8639	)	
	)	
Filed: September 8, 1999	)	
	)	
For: Financial Advice and Strategy	)	
System	)	

**MAIL STOP - Appeal Brief - Patent**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF**

Sir:

Appellants submit this appeal brief under 37 C.F.R. § 41.37. Appellants appeal the final rejection of claims 1-15 set forth in the Office Action mailed October 6, 2005. Appellants filed a notice of appeal under 37 C.F.R. § 41.37 on April 6, 2006. Concurrently, appellants filed a request for a pre-appeal brief conference under the pre-appeal brief conference pilot program. On May 16, 2006, the Office mailed a notice of panel decision from pre-appeal brief review. The conference held that the application remains under appeal because there is at least one actual issue for appeal. Appellants authorize a charge of \$500.00 to the undersigned's Deposit Account No. 50-0206 for the fee due under 37 C.F.R. § 41.20(b)(2). In the event of any variance between the amount listed and the fees determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's Deposit Account No. 50-0206.

**REAL PARTY IN INTEREST**

The real party in interest is Bank One Corporation now doing business as J.P. Morgan Chase & Co., and having a place of business at 277 Park Avenue, New York, New York 10017.

**RELATED APPEALS AND INTERFERENCES**

Appellant appeals the rejection of claims 1-15 presented in the final Office action mailed October 6, 2005. This brief fully addresses the rejections of claims 1-15 presented in the October 6, 2005 Office Action.

To the best of appellants' knowledge, there are no related appeals or interferences.

**STATUS OF CLAIMS**

Claims 1-15 are pending and stand rejected. Claim 16 is cancelled. The rejections of claims 1-15 are appealed.

**STATUS OF AMENDMENTS**

No amendments have been filed subsequent to the final rejection.

**SUMMARY OF CLAIMED SUBJECT MATTER**

The claimed invention is directed to computer systems and methods for providing negotiation advice to a customer service representative to negotiate with an individual delinquent on a debt. The computer system of the claimed invention allows the customer service representative to classify the debtor's economic situation by selecting a descriptive icon on a first graphical user interface. Questions are then displayed in a second graphical user interface regarding the financial situation of the debtor. The customer service representative upon inputting answers to the questions is provided negotiation advice related to alternative payment options most suitable to the debtor's situation. Claims 1, 8, 11 and 13 are independent claims. A summary of the subject matter of these claims is set forth below with exemplary citations to the specification and drawing.

Claim 1 sets forth a system for providing negotiation advice to a customer service representative where the negotiation advice regards alternative payment options specifically tailored to a delinquent individual's economic situation. (Spec. p. 7, l. 10 - p. 8, l. 4.) The system includes an interactive user application running on a computer. (Spec. p. 8, l. 5 - p. 9, l. 17; Fig. 1 at 7.) The computer has a display. (Spec. p. 9, ll. 12-17.) A first graphical user interface is displayed on the display. (Spec. p. 11, ll. 4-6; Fig. 4.) The first graphical user interface includes descriptive icons representing financial situations. (Spec. p. 12, ll. 1-12; Fig. 4 at 65 - 75.) A second graphical user interface is displayed based on the selection of one of the descriptive icons. (Spec. p. 13, ll. 1-9; Fig. 5.) The second graphical user interface includes questions related to strategies for addressing the financial situation represented by the selected icon. (Spec. p. 13, l. 19 - p. 14, l. 2; Fig. 5 at 79.) A processor generates negotiation advice in response to selection of answers to the questions. (Spec. p. 14, l. 14 - p. 15, l. 2; Fig. 1 at 17.) The advice is related to alternative payment options and is displayed on the display. (Spec. p. 14, l. 19 - p. 15, l. 3.)

Claim 7 depends from claim 1. Claim 7 sets forth that the second graphical user interface includes means for specifying the type of advice generated by the system. The specification describes a query panel for specifying the type of advice generated by the system. (Spec. p. 19, ll. 3-13; Fig. 9 at 101.)

Claim 8 sets forth a method of providing negotiation advice to a customer service representative. (Fig. 3.) The method includes retrieving an individual's account information.

(Spec. p. 10, l. 19 - p. 11, l. 4; Fig. 3 at 41.) The account information is displayed on a first graphical user interface. (Spec. p. 11, ll. 4-5; Fig. 3 at 43.) Strategy data is retrieved in response to the selection of a descriptive icon. (Spec. p. 13, ll. 1-3; Fig. 3 at 45.) The descriptive icon represents a financial situation and is displayed as part of the first graphical user interface. (Spec. p. 12, ll. 2-8.) The strategy data addresses the financial situation. (Spec. p. 13, ll. 5-6.) After selection of the descriptive icon, a second graphical user interface is displayed. (Spec. p. 13, ll. 7-9; Fig. 3 at 47.) Questions corresponding to the strategy data are displayed in the second graphical user interface. (Spec. p. 13, l. 19 - p. 14, l. 2.) Negotiation advice is retrieved that relates to selected answers to the questions that correspond to the individual's economic situation. (Spec. p. 14, l. 14 - p. 15, l. 2; Fig. 3 at 51, 53.) The negotiation advice is displayed. (Spec. p. 15, ll. 2-3; Fig. 3 at 55.) The negotiation advice is related to alternative payment options most suitable to the individual's economic situation. (Spec. p. 15, ll. 3-8.)

Claim 11 sets forth a method of negotiating with an individual delinquent on a debt obligation. The method includes obtaining information related to the individual from an advice generation system. (Spec. p. 9, ll. 19-20; Fig. 2 at 19.) Circumstances of the individual's economic situation are ascertained. (Spec. p. 10, ll. 1-3.) The individual's economic situation is classified by selecting a descriptive icon from descriptive icons displayed on a first graphical user interface of the advice generation system. (Spec. p. 10, ll. 3-7; Fig. 2 at 21, 23.) Further circumstances of the individual's economic situation related to questions displayed on a second graphical user interface of the advice generation system are ascertained. (Spec. p. 10, ll. 7-11; Fig. 2 at 25.) Answers to the questions are input to the advice generation system. (Spec. p. 25, ll. 11-13; Fig. 2 at 27.) Negotiation advice related to alternative payment options most suitable to the individual's economic situation are received. (Spec. p. 10, ll. 13-15; p. 15, ll. 3-8; Fig. 2 at 29.)

Claim 13 sets forth a system running an interactive user application for providing negotiation advice to a customer service representative. The system includes a computer (Spec. p. 8, ll. 6-7; Fig. 1 at 7), a display connected to the computer (Spec. p. 8, ll. 6-7; p. 9, l. 5 and ll. 13-17; Fig. 1 at 9), a storage device connected to the computer (Spec. p. 8, ll. 6-7; p. 9, ll. 5-10; Fig. 1 at 5), and an input device connected to the computer (Spec. p. 8, ll. 6-13; Fig. 1 at 3). A first graphical user interface is displayed on the display by the computer. (Spec. p. 11, ll. 6-11; Fig. 4.) The first graphical user interface displays descriptive icons selectable with the input

device that each representing a general financial situation. (Spec. p. 12, ll. 1-12; Fig. 4 at 65-75.) A second graphical user interface is displayed on the display by the computer based on input for the input device. (Spec. p. 12, l. 19 - p. 13, l. 16; Fig. 5.) The second graphical user interface displays questions related to strategies for addressing the particular financial situation represented by a selected descriptive icon. (Spec. p. 13, l. 17 - p. 14, l. 5; p. 17, ll. 1-9; Fig. 6.) The second graphical user interface further displays negotiation advice in response to a selection of answers to the questions. (Spec. p. 14, l. 5 - p. 15, l. 8; Fig. 7.) The negotiation advice is related to alternative payment options most suitable to the particular general financial situation represented by the selected descriptive icon and to the particular financial situation corresponding the selected answers. (Spec. p. 14, l. 14 - p. 15, l. 2.)



**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

The issue on appeal is generally whether the teaching of the applied references is properly combined to render obvious the subject matter of the pending claims. Specifically, appellants request review of the rejections of claim 1-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,315,196 (Bachman) in view of Lee A. Spierer, *When “bad” credit behavior becomes the norm*, Credit World, Jul./Aug. 1997, Vol. 85, Iss. 6 at 18 (Spierer).

## **ARGUMENT**

### **1) Requirements of 35 U.S.C. § 103**

To establish a *prima facie* case of obviousness under § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference to combine the teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references combined) must teach or suggest all of the claim recitations. M.P.E.P. § 706.02(j) (8<sup>th</sup> Ed. Rev. 3, 2005). Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not based on applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

In order to support a § 103 rejection based on a combination of references, the Examiner must provide a sufficient motivation for making the relevant combinations. *See* M.P.E.P. §§ 2142 and 2143.01; *see also In re Rouffet*, 149 F.3d 1350, 1355, 47 U.S.P.Q.2d 1453, 1456 (Fed. Cir. 1998) (“When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references.”). It is well-settled that an Examiner can “satisfy [the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness] only by showing some *objective teaching* in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988) (emphasis added); *see also In re Lee*, 277 F.3d 1338, 1344, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002) (“‘deficiencies of the cited references cannot be remedied by the Board’s general conclusions about what is ‘basic knowledge’ or ‘common sense’”). “Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence [of a motivation to combine]’” and thus do not support rejections based on combining references. 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), *abrogated on other grounds by In re Gartside*, 203 F.3d 1305, 53 U.S.P.Q.2d 1769 (Fed. Cir. 2000). Without objective evidence of a motivation to combine, the obviousness rejection is the “essence of hindsight” reconstruction, the

very “syndrome” that the requirement for such evidence is designed to combat, and without which the obvious rejection is insufficient as a matter of law. *Id.* at 999, 50 U.S.P.Q.2d at 1617-18.

After indicating that the rejection is under 35 U.S.C. § 103, the examiner should set forth in the Office Action:

- (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,
- (B) the difference or differences in the claim over the applied reference(s),
- (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and
- (D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

M.P.E.P. § 706.02(j). The rejections set forth in the final Office action fail to comply with the above requirements. The Examiner fails to fully set forth the differences in the claim over the applied references. The proposed modification of the applied reference fails to arrive at the claimed subject matter. The Examiner fails to set forth an adequate explanation why one of ordinary skill in the art would have been motivated to modify the teaching of the applied reference. The applied references do not show or suggest each limitation of the claimed invention for the reasons set forth below. Accordingly, the Examiner fails to set forth a *prima facie* case of obviousness against the pending claims. Appellants respectfully request that the rejections of claim 1-15 be reversed for at least these reasons.

## **2) Summary of the Applied Art**

Claim 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bachman in view of Spirer.

Spirer is a brief three-page article noting the problems credit card issuers have when dealing with cardholders who are delinquent on an account. The Spirer article notes that behavioral science has resulted in a variety of new collection strategies. Spirer p. 2, para. 6.<sup>1</sup>

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<sup>1</sup> Citations to Spirer are from the document as printed from the ProQuest website by the Office.

Spirer notes that as not all cardholders are alike, collection practices should be adjusted accordingly. Spirer p. 2, para. 6. As an example, Spirer addresses a cardholder who has a history of delinquencies on multiple cards. Spirer p. 2, para. 7. Spirer asserts that an innovative approach to dealing with this debtor is “to negotiate for a quick lump sum settlement of less than the outstanding balance, or offer a matching gift program: Make two payments and we’ll make the third.” Spirer p. 2, para. 7. Spirer thus identifies the problem that effective debt collection requires that different strategies be applied to collect from different cardholders. Spirer does not teach how to solve the identified problem. Spirer discloses no system or method for negotiating with a cardholder that is delinquent on a credit account. Spirer merely identifies the need for the appellant’s claimed system and method.

Bachman is directed to a credit protection program. In the Bachman system, a cardholder who purchases enrollment in the program is not required to pay down credit card debt during specified events such as hospitalization, unemployment, disability or family leave. Bachman col. 2, ll. 6-20. Accordingly, upon occurrence of such a specified event the cardholder sends notification of the event to the administrator of the program. Bachman col. 14, ll. 16-22. The administrator verifies that the event is valid and notifies the credit protector system. Bachman col. 14, ll. 22-34. The credit protector system causes the cardholder’s account to show a payment due of zero and ensures that no further credit is extended to the cardholder. Bachman col. 14 ll. 35-43. Should the event not be verified, the cardholder is notified and credit bureaus are notified if the cardholder is not in good standing. Bachman col. 14, ll. 43-57.

Bachman does not disclose a system for negotiating with a cardholder that is delinquent on a credit account. Bachman is not directed to collection of debt. To the contrary, the Bachman system is designed to prevent an account from becoming delinquent.

Thus, a benefit of the present invention is that the cardmember does not need to worry about paying the account during the time of benefit activation. Additionally, the activation protects the customer’s credit rating on the credit card because during the time of activation of the benefit, no negative information is reported to any credit bureau about the customer; thus, from the credit bureau standpoint, *the customer remains in good standing*.

Bachman, col. 2, ll. 21-29 (emphasis added). Bachman recognizes that debt collection is a separate and distinct process.

Accounts that are in the financial institution’s collections queue after deferment are worked by collections customer service

representatives of the financial institution and are evaluated.  
Dispute issues are handled manually.

Bachman, col. 13, l. 66 - col. 14, l. 2. The Bachman system is not related to providing negotiation advice to customer service representatives regarding alternative payment options. Bachman recognizes that collections is a separate process and notes that disputes are handled manually. There is no teaching that customers who activate the deferment provided by the Bachman system are delinquent.

Bachman does not disclose any negotiation advice. The Office Action relies on the verification of the specified event to show negotiation advice. Office Action, p. 3 (“Bachman further teaches that these activities must be verified by the administrator’s customer service representative being in communication with the cardmember.”) The administrator’s customer service representative simply “attempts to verify the unemployment, disability, hospitalization or family leave by telephone, if possible.” Bachman, col. 10, l. 67 - col. 11, l. 1. Bachman includes no teaching that this verification procedure includes negotiation. Bachman includes no teaching that a customer service representative is provided with any advice during the verification procedure.

Bachman does not disclose any alternative payment options. Upon the customer activating the benefit in Bachman, either the specified event is verified or it is not. If verified, the account is frozen and payment requirements are deferred. If not verified, the deferment is not activated. Bachman, col. 14, ll. 16-58. No alternative payment options are disclosed by Bachman.

### **3) Lack of Motivation to Combine Applied References**

The Examiner recognizes that “Bachman does not explicitly details [sic] the process of generating a [sic] negotiation advice in response to the selection of answers to one or more questions that most closely correspond to a particular financial situation, the advice related to alternative payment options most suitable to the particular financial situation and displayed on the display.” Office Action, p. 3. The Examiner asserts that Spirer “discloses obtaining financial situations of a cardmember, and provides a recommendation of dealing with the cardmember or customer’s debt.” Office Action, p. 4. The Examiner overstates the teaching of Spirer. Spirer is a three-page article that notes, “creditors must implement new strategies that address fundamental market shifts and stem rising losses.” Spirer p. 3, para. 3. Spirer notes a few

strategies that may be used in different situations. However, Spirer does not set forth any system or method to choose between strategies and does not address how to provide any recommendations to customer service representatives negotiating with delinquent cardholders.

The Examiner asserts, “It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Lee Spirer into the system of Bachman in order to easily generate different alternative payment options most suitable to a particular financial situation of a cardmember or customer because different cardmembers may become delinquent for different reasons such as being unemployed or hospitalized.” Office Action, p. 4. The Examiner points to no suggestion or motivation in the prior art to combine the teachings of Bachman and Spirer. Bachman is not directed to addressing delinquent accounts. Bachman teaches a system of deferring payments to prevent an account from becoming delinquent should any of a number of different specified events occur. There is no suggestion that any teaching in the Spirer article, directed to changes in the credit card collection industry, is applicable to the Bachman system.

The suggested combination of Bachman and Spirer does not show each limitation of the claimed invention. Neither Bachman nor Spirer teaches a system for selecting among different alternative payment options most suitable to a particular financial situation. Accordingly, one of ordinary skill in the art would not combine the teaching of Bachman and Spirer “in order to easily generate different alternative payment options” as asserted by the Examiner.

The Examiner further recognizes, “The combination of Bachman and Spirer does not explicitly teach a first graphical user interface (GUI) displayed on the display on the computer, the first GUI comprising one or more descriptive icons, the descriptive icons representing one or more financial situations.” Office Action, p. 4. The Examiner asserts, “It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bachman with Lee Spirer to include these well known features therein with the motivation of providing users with instant access of descriptive buttons and when clicking those buttons, obtaining instant access of associated data would be displayed, thus providing users with the ease of using the system.” Office Action, p. 4. The Examiner further cites to U.S. Patent 5,764,923 (Tallman et al.) and U.S. Patent 6,212,494 (Boguraev) as showing descriptive icons on a graphical user interface. The Examiner asserts, “One of ordinary skill in the art desiring to

introduce a first or second GUI in the combined teaching of Bachman and Spirer would have turned to either Tallman et al. or Boguraev for the provisions of this teaching.” Office Action, p. 6. There is, however, no suggestion in the art that anyone of ordinary in the art had any desire to introduce either a first or second GUI in the teachings of either Bachman or Spirer. The Examiner has merely compiled various references with various elements of the invention set forth in the instant application. Without appellant’s specification as a guide, there is no suggestion or motivation to combine these teaching relied upon by the Examiner in a manner that arrives at the claimed invention.

Appellants respectfully submit that for the above reasons the applied combination of Bachman in view of Spirer is improper. The applied combination does not show or suggest each limitation of the claimed invention for the reasons set forth below.

#### **4) Independent Claim 1 and Claims Depending Therefrom**

Independent claim 1 sets forth a system for including a first graphical user interface (GUI) comprising one or more descriptive icons, the descriptive icons representing one or more financial situations. A second GUI is displayed on the display of a computer based on selection of one of the descriptive icons. The second GUI comprises questions related to strategies for addressing the financial situation represented by the selected icon of the first GUI. A processor is operative to generate negotiation advice in response to selected answers to the questions in the second GUI. The negotiation advice relates to alternative payment options for a financial situation corresponding to the selected answers. Bachman fails to show or suggest at least these limitations of amended claim 1.

Bachman in view of Spirer fails to show or suggest a first graphical user interface (GUI) displayed on a computer including descriptive icons, where the descriptive icons represent one or more financial situations as set forth in claim 1. As discussed above, the Examiner acknowledges that Bachman in view of Spirer does not teach such a first a graphical user interface. The Examiner asserts that providing users with descriptive button would have been obvious to one of ordinary skill in the art. The Examiner, however, identifies no suggestion to modify the teaching Bachman to include descriptive icons *representing one or more financial situations* as set forth by claim 1.

Bachman in view of Spirer does not show or suggest a second GUI displayed based on selection of one of the descriptive icons. The Examiner does not address the second GUI set forth in claim 1. As the Examiner does not show that the applied references show or suggest each limitation of claim 1, a *prima facie* case of obviousness has not been established.

Bachman in view of Spirer does not show or suggest a GUI comprising one or more questions related to strategies for addressing the financial situation represented by the selected descriptive icon. The Examiner does not address this limitation of claim 1. The Examiner broadly asserts that Spirer “discloses obtaining financial situations of a cardmember.” Office Action, p .4. The Examiner provides no support or context for this assertion. Spirer expects that financial institutions will collect appropriate data regarding their customers.

Today, creditors are experimenting with a variety of modeling techniques, such as traditional credit scoring, cluster analysis of debtors with similar behavior, results-based segmentation, and regression and other non-linear modeling. These require appropriate data-information concerning a customer’s debt on other cards, as well as previous actions taken and the customer’s responses and behavior while current and delinquent.

Spirer, p. 2, para. 8. Spirer, however, does not address providing customer service representative with negotiation advice. Spirer suggests no questions related to strategies for addressing a particular financial situation.

Bachman in view of Spirer does not show or suggest any negotiation advice. The Examiner summarizes Bachman’s deferment system noting that the administrator’s customer service representative is in communication with cardmember during verification of a specified event triggering deferment. Based on this summary, the Examiner concludes, “Bachman discloses a system for providing negotiation advice to a customer service representative.” Office Action, p. 3. The disclosure of Bachman does not support the Examiner’s conclusion. There is no teaching in Bachman that any customer service representative negotiates with a customer. Bachman does not teach or suggest negotiation advice. In response to this argument, the Examiner argues, “Bachman discloses a system and method for enrolling clients in debt payment system thereby *preventing* the client from becoming delinquent on an outstanding debt by paying the client’s required monthly debt obligation whenever the client becomes unemployed, disabled or hospitalized.” Office Action, p. 5 (emphasis added). The Examiner then concludes, “it would have been obvious . . . to combine the teachings of Bachman and Spirer in order to determine the



type of problems related to the client becoming delinquent and thereby selecting the best type of program for the particular client.” Office Action, p. 5. There is no basis for this conclusion. As the Examiner has noted, the Bachman system is designed to *prevent* the client from becoming delinquent. Accordingly, the teaching of Bachman is not compatible with determining how a client became delinquent or providing negotiation advice with a delinquent client.

Moreover, claim 1 sets forth that the advice is related to alternative payment options most suitable to the particular financial situation. The Examiner acknowledges that Bachman does not teach generating such negotiation advice. Office Action, p. 3. The Examiner asserts, “Lee Spirer also discloses providing various types of alternative payment options to the delinquent cardmember or customer.” Office Action, p. 4. Spirer includes no such disclosure. Spirer states the proposition that collection practices should be adjusted based on cardholder behavior. Spirer identifies a few high-level potential behavioral segments and suggests strategies to address these segments. Spirer does not suggest providing various types of alternative payment options to a delinquent cardmember as asserted by the Examiner. Spirer does not show or suggest generating negotiation advice. Spirer does not suggest modifying Bachman to generate negotiation advice related to alternative payment options.

Appellants respectfully submit that for at least the above reasons Bachman in view of Spirer fails to show or suggest each limitation of claim 1. The Examiner fails to establish a *prima facie* case of obviousness against claim 1. Accordingly, appellants request that the rejection of claim 1 as being unpatentable over Bachman in view of Spirer be reversed.

Claims 2-7 depend from claim 1 and accordingly include all the limitations of claim 1. Claims 2-7 are thus patentable over Bachman in view of Spirer for at least the reasons discussed above with respect to claim 1.

In addition, claim 3 sets forth that the negotiation advice includes advice for interacting with an individual in the particular financial situation determined by the selections made from the first and second GUIs set forth in claim 1. Bachman is not directed to negotiating with delinquent individuals. Rather, Bachman provides a system to avoid delinquency during certain defined situations. Spirer is not directed to negotiating with delinquent individuals. Rather, Spirer notes that financial institutions are implementing a variety of new collections strategies based on behavioral data of cardmembers. Accordingly, there is no suggestion in Bachman or Spirer of negotiation advice for interacting with an individual in a particular

financial situation. The Examiner cites without explanation to column 10, line 52 to column 11, line 11 of Bachman and to page 3 of Spirer. The cited passage of Bachman is directed to the activation of deferment status based on verification of a specified event. A customer service representative verifies the occurrence of the specified event by telephone. Bachman includes no teaching or suggestion that the customer service representative negotiates with the customer. Bachman includes no teaching or suggestion that the customer service representative is provided with any advice for interacting with the customer. The cited page of Spirer asserts, “creditors must implement new strategies that address fundamental market shifts.” Spirer does not teach details regarding how creditors must implement different strategies. Spirer merely identifies a number of strategies that are being implemented. Spirer does not teach or suggest any advice for interacting with an individual.

Claim 4 sets forth that the second GUI displays predetermined answers to the questions. The Examiner acknowledges that a second GUI for displaying questions is not explicitly detailed in the combination of Bachman and Spirer. Office Action, p. 7. The Examiner asserts, “Having a second GUI displaying predetermined answers to the one or more questions from a panel would have been obvious to one of ordinary skill in the art to include in the combination of Bachman and Spirer in order to provide users with an instant view glance of related questions and answers for selection purposes.” Office Action, p. 7. The Examiner provides no support for this conclusion. No such teaching is found in the applied art. Neither Bachman nor Spirer suggest presenting questions and predetermined answers. There is thus no suggestion in the applied art to “provide users with an instant view glance of related questions and answers for selection purposes.”

Claim 5 sets forth that the second GUI comprises a panel for displaying the advice and a panel for displaying the questions. As discussed above, Bachman in view of Spirer suggests no negotiation advice and no questions regarding related to strategies for addressing a financial situation. There is thus no suggestion of a GUI with a panel for displaying advice and a panel for displaying the questions as set forth by claim 5.

Claim 6 sets forth that the second GUI comprises buttons for selecting the answers. Neither Bachman nor Spirer questions a user regarding the details of a financial situation. Accordingly, there is no suggestion to include buttons for selecting answers in either Bachman or Spirer.

Claim 7 sets forth that the second GUI comprises means for specifying the type of the advice generated by the system. The Examiner identifies no means for specifying advice in the applied art. The Office Action asserts, “Bachman discloses providing various scenarios which includes various types of advices [sic].” Office Action, p. 7. There is no support for this assertion. Bachman does not address various scenarios with various types of advice. To the contrary, Bachman provide one service, deferment, upon the occurrence of various specified events.

For at least the above reasons, appellants respectfully request that the rejections of claims 2-7 be reversed.

#### **5) Independent Claim 8 and Claims Dependent Therefrom**

Independent claim 8 sets forth a method of providing negotiation advice. Claim 8 includes the step of retrieving strategy data in response to the selection of a descriptive icon, where the strategy data address the financial situation represented by the selected icon. Claim 8 includes the step of displaying a second GUI, where questions corresponding to the strategy data are displayed as part of the second GUI. Claim 8 includes the step of retrieving negotiation advice data related to the selected answers to the questions that correspond to a particular economic situation. Claim 8 includes the step of displaying negotiation advice related to alternative payment options most suitable to the particular economic situation. Bachman in view of Spirer fails to show or suggest at least these steps of claim 8. The Examiner does not address the specific claim limitations of claim 8. The Examiner, thus, does not establish a *prima facie* case of obviousness against claim 8.

Bachman in view of Spirer fails to show or suggest a step of retrieving strategy data in response to the selection of a descriptive icon. The Examiner is silent regarding where the applied art suggests retrieving strategy data. Neither Bachman nor Spirer show or suggest strategy data.

Bachman in view of Spirer fails to show or suggest a step of displaying a second GUI, where one or more question corresponding to the strategy data are displayed. The Examiner does not address the second GUI of claim 8 and does not address displaying questions corresponding to strategy data. There is no showing that Bachman in view of Spirer shows or suggests a second GUI as set forth in claim 8.

Bachman in view of Spirer fails to show or suggest a step of retrieving negotiation advice and a step of displaying negotiation advice. As discussed above, neither Bachman nor Spirer addresses negotiating with a delinquent individual. Neither Bachman nor Spirer show or suggest retrieving negotiation advice or displaying negotiation advice. Furthermore, claim 8 sets forth that the negotiation advice is related to alternative payment options. As discussed above, neither Bachman nor Spirer address alternative payment options for a delinquent individual. Neither Bachman nor Spirer show or suggest negotiation advice related to alternative payment options.

The Examiner fails to establish a *prima facie* case of obviousness against claim 8. Appellants respectfully request that for at least the above reasons the rejection of claim 8 as being unpatentable over Bachman in view of Spirer be reversed.

Claims 9 and 10 depend from claim 8 and accordingly include all the limitations of claim 8. Claims 9 and 10 are thus patentable over Bachman in view of Spirer for at least the reasons discussed above with respect to claim 8.

In addition, claim 9 sets forth that the negotiation advice includes advice for interacting with an individual. As discussed above with respect to claim 3, Bachman and Spirer do not address negotiation strategies. Neither Bachman nor Spirer show or suggest negotiation advice for interacting with an individual.

Claim 10 sets forth the step of displaying multiple answers to each of the questions. The Examiner does not address a step of displaying multiple answers to questions. Neither Bachman nor Spirer show or suggest displaying multiple answers to questions.

Appellants respectfully request for at least the above reasons that the rejections of claims 9 and 10 be reversed.

#### **6) Independent Claim 11 and Claim Dependent Therefrom**

Claim 11 sets forth a method for negotiating. Claim 11 includes the step of classifying the individual's economic situation by selecting a descriptive icon representing a financial situation displayed on a first GUI. Claim 11 includes the step of ascertaining further circumstances of an individual's economic situation related to questions displayed in a second GUI. Claim 11 includes the step of inputting answers to the questions. Claim 11 includes the step of receiving negotiation advice related alternative payment options most suitable to the

individual's economic situation. Bachman in view of Spirer fails to show or suggest at least these steps of claim 11. Accordingly, appellants request that the rejection of claim 11 be reversed.

As discussed above, neither Bachman nor Spirer are directed to a method for negotiating. Neither applied reference address negotiation.

Bachman in view of Spirer fails to show or suggest a step of classifying an individual's economic situation by selecting a descriptive icon. As discussed above, the Bachman system determines whether or not an event has occurred that is required to activate deferment. There is no need or suggestion in Bachman to choose a category corresponding to a customer's economic situation. Bachman thus fails to show or suggest a step of classifying an individual's economic situation as set forth by amended claim 11. Spirer notes that creditors must implement new strategies that address fundamental market shifts. Spirer identifies high-level potential behavioral segments and suggests broad strategies for the segments. Spirer does not address how to negotiate with an individual. Spirer does not suggest a step of classifying an individual's economic situation.

Bachman in view of Spirer fails to show or suggest a step of ascertaining further circumstances of an individual's economic situation related to questions displayed on a second GUI as set forth by claim 11. The Examiner is silent regarding this step. Neither Bachman nor Spirer ascertains circumstance of an individual's economic situation related to questions displayed on a GUI.

Bachman in view of Spirer fails to show or suggest a step of inputting answers to said questions. The Examiner is silent regarding a step of inputting answers to questions.

Bachman in view of Spirer fails to show or suggest a step of receiving negotiation advice. As discussed above, neither Bachman nor Spirer addresses negotiating with a delinquent individual. Furthermore, claim 11 sets forth that the negotiation advice is related to alternative payment options. As discussed above, neither Bachman nor Spirer address alternative payment options for a delinquent individual. Neither Bachman nor Spirer show or suggest negotiation advice related to alternative payment options.

The Examiner fails to establish a *prima facie* case of obviousness against claim 11. Appellants respectfully request that for at least the above reasons the rejection of claim 11 as amended as being unpatentable over Bachman in view of Spirer be reversed.

Claim 12 depends from claim 11 and accordingly includes all the limitations of claim 11. Claim 12 is thus patentable over Bachman in view of Spirer for at least the reasons discussed above with respect to claim 11. Claim 12 sets forth specifying the type of negotiation advice provided. As discussed above, Bachman and Spirer provide no advice. Accordingly, Bachman in view of Spirer does not suggest specifying the type of advice. Appellants respectfully request for at least the above reasons that the rejection of claim 12 be reversed.

#### **7) Independent Claim 13 and Claims Dependent Therefrom**

Claim 13 sets forth a system for providing negotiation advice. Claim 13 sets forth a first GUI displaying descriptive icons each representing a general financial situation. Claim 13 further sets forth a second GUI displaying question related to strategies for addressing the general financial situation. The second GUI further displays negotiation advice related to alternative payment options. Bachman in view of Spirer fails to show or suggest at least these elements of claim 13 as amended.

Bachman in view of Spirer fails to show or suggest a first graphical user interface. As set forth by claim 13, the first GUI displays descriptive icons representing general financial situations. As discussed above, there is no suggestion in Bachman or Spirer to present various classes of financial situations for a user to choose between. The Bachman system merely verifies that an event has occurred and activates deferment if the verification is positive. There is no need or suggestion in Bachman of a GUI including descriptive icons representing financial situations because a user of the Bachman system does not choose between financial situations.

Bachman in view of Spirer fails to show or suggest a second GUI displaying questions related to strategies for addressing a general financial situation and negotiation advice related to alternative payment options. The Examiner asserts, "Lee Spirer discloses providing questions/answers and alternative payment options to a delinquent customer." Office Action, p. 7. This assertion is incorrect. There is no teaching in Spirer directed to negotiation with an individual delinquent customer. Spirer does not disclose providing questions/answers as asserted by the Examiner. Spirer does not suggest providing alternative payment options to one delinquent customer. Bachman in view of Spirer fails to suggest displaying questions related to strategies for addressing a general financial situation. Bachman in view of Spirer fails to suggest displaying negotiation advice related to alternative payment options.

The Examiner fails to establish a *prima facie* case of obviousness against claim 13. Appellants respectfully request that, for at least the above reasons, the rejection of claim 13 as being unpatentable over Bachman in view of Spirer be reversed.

Claims 14 and 15 depend from claim 13 and accordingly include all the limitations of amended claim 13. Claims 14 and 15 are thus patentable over Bachman for at least the reasons discussed above with respect to claim 13.

In addition, claim 14 sets forth that the negotiation advice includes advice for interacting with an individual. As discussed above with respect to claim 3, Bachman in view of Spirer does not address negotiation strategies.

Claim 15 sets forth that a selection of the type of advice displayed by the second GUI. The Examiner is silent regarding claim 15. As discussed above, neither Bachman nor Spirer provides advice. Accordingly, Bachman in view of Spirer does not suggest a selection of the type of advice displayed.

Appellants respectfully request for at least the above reasons that the rejections of claims 14 and 15 be reversed.

## 8) Conclusion

Appellants respectfully submit that the rejections of the pending claims as being unpatentable over Bachman in view of Spirer should be reversed for the reasons set forth above. Appellants' claimed invention and the Bachman system are very different. The Bachman system only functions as a system for debt deferment. The Bachman system is not a system for providing negotiation advice. The Bachman system does not disclose two levels of gathering information to define a financial situation of a delinquent individual. Accordingly, Bachman does not suggest two different interfaces as set forth in the appealed claims. Spirer is an article that sets forth no details regarding any system or method. Spirer notes that creditors now must implement strategies that address fundamental market shifts. Spirer does not disclose obtaining information on a delinquent individual. Spirer does not suggest providing negotiation advice for interacting with a delinquent individual. Furthermore, as it is acknowledged that Bachman and Spirer do not teach the use of graphical user interfaces, there can be no motivation to modify Bachman to include the claimed configurations of graphical user interfaces and icons. For at least these reasons, appellants submit that the pending claims are patentable over Bachman in view of Spirer. Appellants respectfully submit that the above identified errors in the rejections of claims 1-15 compel that the appealed rejections be reversed.

Respectfully submitted,

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**CLAIMS APPENDIX**

1. A system for providing negotiation advice to a customer service representative to negotiate with an individual delinquent on a debt obligation, the negotiation advice regarding alternative payment options specifically tailored to the individual's economic situation, said system comprising:

an interactive user application running on a computer, said computer having a display operatively connected to said computer;

a first graphical user interface (GUI) displayed on said display of said computer, said first GUI comprising one or more descriptive icons, said descriptive icons representing one or more financial situations;

a second GUI displayed on said display of said computer based on selection of one of said descriptive icons, said second GUI comprising one or more questions related to strategies for addressing the financial situation represented by the selected one of said descriptive icons; and

a processor, said processor operative to generate negotiation advice in response to selection of answers to said one or more questions that most closely correspond to a particular financial situation, said advice related to alternative payment options most suitable to said particular financial situation and displayed on said display.

2. The system of claim 1 wherein said computer operates within a network, said network comprising a plurality of file servers, said file servers comprising a plurality of databases.

3. The system of claim 1 wherein said negotiation advice includes advice for interacting with an individual in said particular financial situation.

4. The system of claim 1 wherein said second GUI displays predetermined answers to said one or more questions.
5. The system of claim 1 wherein said second GUI further comprises a panel for displaying said advice and a panel for displaying said questions.
6. The system of claim 1 wherein said second GUI further comprises buttons for selecting said answers.
7. The system of claim 1 wherein said second GUI comprises means for specifying the type of said advice generated by said system.
8. In a computer system comprising a CPU, RAM and a display, a method of providing negotiation advice to a customer service representative to negotiate with an individual delinquent on a debt obligation, the negotiation advice regarding alternative payment options specifically tailored to the individual's economic situation, comprising the steps of:
  - retrieving said individual's account information;
  - displaying said account information on a first graphical user interface (GUI) on said display;
  - retrieving strategy data in response to the selection of a descriptive icon, said descriptive icon representing one financial situation, said strategy data addressing said one financial situation, where said descriptive icon is displayed as part of said first GUI;

displaying, after the selection of said descriptive icon, a second GUI on said display, where one or more questions corresponding to said strategy data are displayed as part of said second GUI;

retrieving negotiation advice related to selected answers to said questions that most closely correspond to said economic situation; and

displaying said negotiation advice on said display, said negotiation advice related to alternative payment options most suitable to said economic situation.

9. The method of claim 8 wherein said negotiation advice includes advice for interacting with said individual.

10. The method of claim 8 wherein multiple answers to each of said questions are displayed as part of said second GUI.

11. A method for negotiating with an individual delinquent on a debt obligation, comprising the steps of:

obtaining information related to said individual from an advice generation system;

ascertaining circumstances of said individual's economic situation;

classifying said individual's economic situation by selecting a descriptive icon representing said individual's economic situation from a plurality of descriptive icons displayed on a first graphical user interface (GUI) of said advice generation system;

ascertaining further circumstances of said individual's economic situation related to questions displayed on a second GUI of said advice generation system;

inputting answers to said questions to said advice generation system; and  
receiving negotiation advice related to alternative payment options most suitable to said individual's economic situation.

12. The method of claim 11 further comprising the step of specifying the type of said advice to receive from said advice generation system.

13. A system running an interactive user application for providing negotiation advice to a customer service representative to negotiate with an individual delinquent on a debt obligation, the negotiation advice regarding alternative payment options specifically tailored to the individual's economic situation, said system comprising:

a computer;

a display operatively connected to said computer;

a storage device operatively connected to said computer;

an input device operatively connected to said computer;

a first graphical user interface (GUI) displayed on said display by said computer, said first GUI displaying information from said storage device, said first GUI displaying descriptive icons selectable with said input device, said descriptive icons each representing a general financial situation; and

a second GUI displayed on said display by said computer based on input from said input device, said second GUI displaying one or more questions related to strategies for addressing the particular general financial situation represented by a selected one of said descriptive icons, said second GUI further displaying negotiation advice in response to a selection of answers to said

one or more questions, said negotiation advice related to alternative payment options most suitable to said particular general financial situation and to a particular specific financial situation corresponding to said selection of answers.

14. The system of claim 13 wherein said negotiation advice includes advice for interacting with an individual in said particular specific financial situation.

15. The system of claim 13 wherein said computer receives from said input device a selection of the type of advice to be displayed by said second GUI.

16. (Canceled)

## **EVIDENCE APPENDIX**

None.

**RELATED PROCEEDINGS APPENDIX**

None.